

NEWPORT BEACH PLANNING COMMISSION MINUTES
Council Chambers – 3300 Newport Boulevard
Thursday, February 9, 2012
STUDY SESSION MEETING
4:30 p.m.

Commissioner Myers led the assembly in the pledge of allegiance.

A. ROLL CALL

PRESENT: Ameri, Hillgren Myers, Toerge, and Tucker
ABSENT: Kramer

Staff Present: Patrick Alford, Planning Manager; Brenda Wisneski, Deputy Community Development Director; Leonie Mulvihill, Assistant City Attorney; and Laura Detweiler, Recreation & Senior Services Director

B. CURRENT BUSINESS

ITEM NO. 1 Newport Banning Ranch: Discussion of the Open Space, Parks and Trails

The Chair read the title to the aforementioned item and called for a report from staff.

Patrick Alford, Planning Manager for the Community Development Department, Planning Division, and project manager for the Newport Banning Ranch Project presented a summary of the previous study session and reviewed the upcoming schedule. He noted on February 23, 2012, there will be a study session discussing land uses, development regulations, and architectural guidelines. He stated the second study session originally scheduled for that date on the Draft EIR has been moved to March 8, 2012.

He presented background on the project setting addressing adjacent open space and parks area, the Talbert Nature Preserve, Sunset Ridge Park, the Army Core of Engineers Restoration Area and the Santa Ana River. He illustrated the various natural features within the project site. He noted the proposed cut and fill for the site, which will cover land development areas, bluff restoration, soils, trails, habitat mitigation restoration, utility infrastructure and landscaping. Mr. Alford reported that there is complex vegetation on the site and listed the number of acres for the various kinds of vegetation.

Mr. Alford referenced and summarized the related general policies, presented an overview of the open space preserves and stated specific sites for specific uses. Mr. Alford addressed drainage management areas, consolidated oil sites, oil access road, and planting buffers. Regarding the oil sites, he reported that these are considered an interim use and that once the operational life of the oil fields has ended the area will be reverted to open space. He referenced the documents in the Master Development Plan relating to open space, including Habitat Restoration Plan, Life and Fire Safety Plan, and the Plant Palette, which will describe plants used in the various zones. He addressed park lands and listed planned improvements. Mr. Alford addressed connections to the trail system and major viewpoint areas as well as on-street parking proposed to serve North Bluff Park. He noted that it is estimated that North Bluff Park will have approximately 240 parking spaces available. Mr. Alford presented the location of South Bluff Park and addressed the development plan noting that it will be a passive park with seating area overviews, public seating, and pedestrian trails. He noted that both parks will be owned and maintained by the Homeowners Association with a public access easement.

Mr. Alford presented details of the interpretive parks which will be dedicated for public use, including the Nature Center site plan and ownership. He addressed the Vernal Pool Interpretive Area and public access. In addition, he presented information regarding public community parks, which will be dedicated to the City, and listed amenities to be included. He presented detailed information on the trails including locations and types of trails as well as the proposed pedestrian bridge including ADA access.

Marice White, on behalf of Newport Banning Ranch provided a PowerPoint presentation addressing active oil fields on the property and noting those areas will be cleaned up, restored and be part of a public open space area. She addressed Option 2 in the General Plan, which requires fifty (50%) percent of the site to be open space and she

listed goals. Ms. White reported that there will be a comprehensive habitat restoration program, which will create a large amount of open space at no cost to the City. Ms. White deferred to John Olivier of Fuscoe Engineering.

Mr. Olivier reviewed the topography of the area, he addressed the arroyos, and reported that there has been significant erosion of the bluff edge, which will be repaired and he addressed the necessary components in the repair. Mr. Olivier reported identification of areas where the bluff areas will need repair and addressed water runoff, low end basins, and rerouting the water to avoid erosion as well as infiltration.

Paul Edwards of FORMA Design presented background regarding open space planning and reported on their experience. He noted his firm has been reasonably successful, in a difficult environment. He addressed the concepts that framed the planning for the open space areas including the City's General Plan policies, the Coastal Act, the mapping of resources and avoiding impacts wherever possible. He stated they are trying to provide true public benefits noting that the project provides sustainable habitat protection as well as multi-tiered recreation opportunities for existing and future residents of Newport Beach. He pointed out that open space for the project site comprises seventy-six (76%) percent for the plan. It protects, restores, and improves the land, all for public purposes.

Mr. Edwards summarized plans for the parks and all of the areas of the subject property including the Nature Center, Vernal Pool Area, trails, North and South Bluff Parks, development areas, Urban Village, picnic areas, and setbacks for both bluff parks.

Brief discussion followed regarding the minimum setback from the street to the edge of the linear park.

Mr. Edwards reported on the trails for pedestrians as well as bikes including interpretive trails. He stated the oil roads will be followed to minimize environmental impacts and addressed the bridge. He acknowledged the need to continue to work on the design of the bridge and recognized that the approval process will be fairly involved. However, he stressed the public safety element makes it worth it. He addressed parking spaces, lack of driveways along the bluff parks, spaces within the Nature Center and within the resort. Mr. Edwards addressed the preserve that will be devoted to habitat protection and restoration, the low land areas, removal of invasive plants and maintenance. He noted the quantity and quality of the habitat will be improved and that Newport Banning Ranch will make up twenty-seven (27%) percent of the Orange Coast River Park. He reiterated that this will be done at no cost to tax payers.

In response to an inquiry from Commissioner Tucker, Mike Mohler, representing the applicant, addressed phasing for the trail park and open space improvement dedications. He noted that one of the first steps is cleaning the site from the oil. He explained the phases involved in completing the project and listed the advantages of doing so.

Ensuing discussion pertained to low lands and drainage areas, which are mitigated. He addressed the possibility of more extensive restoration by other agencies. Discussion continued regarding the timing of building the trails, the parks, ownership of the open space area, the possibility of the formation of a strategic alliance, funding the management and maintenance and ownership of the bluff-top and larger parks.

In response to inquiries from Commissioner Hillgren, Mr. Mohler addressed input received from the community and additional capacity the parks will provide relative to employing a maximum amount of uses. He reported meetings with soccer and baseball agencies interested in the project, addressed working with staff and the Parks Division as well as with the City of Costa Mesa, and felt this project will meet a large community need.

Discussion followed regarding dedicated parking for the trail heads and location of parking in the bluff areas.

C. PUBLIC COMMENTS

Chair Toerge opened the public comments portion of the meeting and invited those interested in addressing the Commission on this item.

Steve Ray of the Banning Ranch Conservancy affirmed the public need for open spaces for people as well as plants and animals that inhabit the area. He expressed concerns that with development of the project, significant critical areas of open space that are needed for various functions of the habitat to survive will be destroyed. He addressed the Conservancy's mission which is to preserve, acquire, maintain, and manage the entire Banning Ranch as permanent

open space, park and coastal nature preserve. He stated actions taken to date in order to accomplish the mission including the identification of funding sources and development of a restoration plan. He opined that the process is unfriendly to the public and would like for the public to have further participation. He expressed concern with scheduling the sessions during the afternoon, feeling it makes is publicly inaccessible. He indicated that the Conservancy will be submitting a letter to the Commission requesting to hold additional sessions and allow increased public input into the process. He stated that the Conservancy is relying on the Planning Commission to be the voice for the public.

Chair Toerge encouraged Mr. Ray to proceed with the letter, acknowledged the need for public input and recommended members of the public that have questions, to submit them to the Planning Commission. He indicated the proceedings will not be closed until the public has had an opportunity to express all concerns and get answers to their questions.

Chair Toerge requested that Mr. Ray provide a presentation to the Planning Commission as to what the Conservancy would like to see happen for consideration.

Mr. Ray reported the Conservancy will submit a letter proposing a solution and to educate the Commission on the alternative to the project which is its vision for Banning Ranch.

Discussion followed regarding acquisition of the open space, funding sources and actions being taken by the Conservancy to expedite an actual acquisition of the property.

Mr. Ray referenced a previous timeline for the acquisition process and noted the Conservancy has been pursuing funding from the Orange County Transportation Authority, specifically from Measure M, for which the Conservancy filed an application and evaluation of the application resulted in Banning Ranch being at the top of the list in terms of resource habitat value. He addressed other factors adding that Banning Ranch is the primary objective for OCTA to acquire. A last minute requirement was made for a letter from the owners indicating that they were willing to sell. Unfortunately the owners were not willing to engage and this along with other issues is being negotiated in order to obtain resolution. Mr. Ray also indicated that they are talking to other funding sources at this time.

Commissioner Tucker commented on the validity of the proposed seventy-six (76%) percent of open space.

Mr. Ray indicated there will be significant impacts in that the seventy-six (76%) percent of open space are areas that cannot be built anyway, that this is an ecological staircase which is a biological habitat that is self contained and that if you take away part of that you are destroying much larger parts of the habitat.

Chair Toerge noted that the Commission is not considering the sale of the property, but rather the application. He stated he hoped that the Conservancy would continue forward but felt it was unfair to the applicant to consider the issue if the Conservancy is not yet ready with a plan. He stated that what the Commission expects is to hear from the public regarding the subject applicant and making it the best plan possible. He commented that the Conservancy's acquisition opportunities will need to be resolved by the Conservancy parallel to this process and outside of the Chambers.

Commissioner Tucker noted the Conservancy's statement of "having a better plan". However, doing so would mean the Conservancy actually owns the property, which it does not.

Mr. Ray reported that previously, the Conservancy had requested the opportunity to make an organized presentation but staff denied it; therefore, he appealed to the Commission for the chance to do so.

Chair Toerge reported that for the balance of the meetings, the applicant's plan will be considered, not the acquisition of the property.

Chair Toerge closed the public hearing.

D. ADJOURNMENT – The meeting was adjourned at 6:04 p.m.